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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 STEPHON JAMES WHITNEY,  
13 a.k.a. Stephone James Whitney,  
a.k.a. Steff Bizzle,  
a.k.a. Stef B,

14 Defendant.

Case No. 2:21-cr-2-JAD-NJK

Third Stipulation to Continue  
Calendar Call and Trial  
and Proposed Order

16 Christopher Chiou, Acting United States Attorney, and Daniel J. Cowhig, Assistant  
17 United States Attorney, counsel for the United States of America, and Yi Lin Zheng,  
18 Esquire, counsel for Stephon James Whitney, defendant, stipulate and agree that the  
19 calendar call and trial in the above-captioned matter, currently scheduled for January 18,  
20 2022 at 1:30 p.m. and January 25, 2022 at 9:00 a.m., respectively, each be vacated and  
21 continued to a date convenient to the Court but no sooner than 30 days from the current  
22 settings.

23 The parties enter into this stipulation for the following reasons:

1       1.    Counsel for defendant needs additional time to review discovery, investigate  
2 the case, and confer with defendant in order to determine whether the case will go to trial  
3 and, if necessary, prepare for trial.

4       2.    Defendant Whitney is in custody. Defendant has been advised of this  
5 stipulation and does not object to the continuance.

6       3.    The additional time requested herein is not sought for the purposes of delay,  
7 but rather to allow counsel sufficient time within which to be able to effectively complete  
8 investigation of discovery materials and to further discuss the case with defendant.

9       4.    The additional time requested by this stipulation is excludable in computing  
10 the time within which the trial of the captioned matter must begin pursuant to the Speedy  
11 Trial Act, 18 U.S.C. § 3161 *et seq.*, when considering the factors set out in 18 U.S.C.  
12 §§ 3161(h)(7)(A), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

13       This is the third request for a continuance in this matter.

14       Dated December 28, 2021

15       CHRISTOPHER CHIOU  
16       Acting United States Attorney

Vegas Golden Law

17       \_\_\_\_\_  
18       //s// *Daniel J Cowhig*  
19       DANIEL J. COWHIG  
20       Assistant United States Attorney  
21       Counsel for the United States

17       \_\_\_\_\_  
18       //s// *Yi Lin Zheng*  
19       YI LIN ZHENG, Esquire  
20       Counsel for Defendant  
21       Stephon James Whitney

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**UNITED STATES DISTRICT COURT**  
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6 UNITED STATES OF AMERICA,

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9 STEPHON JAMES WHITNEY,  
10 a.k.a. Stephone James Whitney,  
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11 Defendant.

12 Case No. 2:21-cr-2-JAD-NJK

13 Proposed

14 Findings of Fact, Conclusions of Law and

15 ORDER

16 Regarding Parties' Third Stipulation to  
Continue Calendar Call and Trial

17 **Findings of Fact**

18 Based on the pending stipulation of the parties and good cause appearing therefore,  
19 the Court finds:

20 1. Counsel for defendant needs additional time to review discovery, investigate  
the case, and confer with defendant in order to determine whether the case will go to trial  
and, if necessary, prepare for trial.

21 2. Defendant Whitney is in custody. Defendant has been advised of this  
22 stipulation and does not object to the continuance.

3. The additional time requested herein is not sought for the purposes of delay, but rather to allow counsel sufficient time within which to be able to effectively complete investigation of discovery materials and to further discuss the case with defendant.

4. The additional time requested by this stipulation is excludable in computing the time within which the trial of the captioned matter must begin pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, when considering the factors set out in 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

5. This is the third request for a continuance in this matter.

For these reasons, the ends of justice would be best served by a continuance.

## Conclusions of Law

The ends of justice served by granting the requested continuance outweigh the interest of the defendant and of the public in a speedy trial in that a failure to grant the continuance would be likely to result in a miscarriage of justice, deny the defendant sufficient time and opportunity to prepare for trial, taking into account the exercise of due diligence.

The continuance is excludable in computing the time within which the trial of the captioned matter must begin pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, when considering the factors set out in 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv).

## ORDER

**IT IS ORDERED THAT** the calendar call in the above-captioned matter, currently scheduled for January 18, 2022 at 1:30 p.m. is hereby vacated and continued to May 16, 2022, at 1:30 p.m., and the trial currently scheduled for January

1 25, 2022 at 9:00 a.m. is hereby vacated and continued to May 24, 2022, at 9:00 a.m.

2 **IT IS FURTHER ORDERED THAT** the parties trial briefs, proposed voir dire,  
3 proposed jury instructions, exhibit lists, and witness lists are due by noon on May 16,  
4 2022.

5 **IT IS FURTHER ORDERED THAT** the parties are excused from the Master  
6 Trial Scheduling Conference currently set for January 4, 2022. ECF No. 24.

7  
8 **IT IS SO ORDERED** this December 28, 2021.

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10  
11 JENNIFER A.   
12 UNITED STATES DISTRICT JUDGE